

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-CV-00423-WO-JLW

TIMIA CHAPLIN, et al.

Plaintiffs,

v.

WILLIE ROWE, et al.

Defendants.

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)
) **MOTION TO EXTEND THE TIME TO**
) **RESPOND TO SHERIFF BRIAN ESTES’**
) **MOTION TO DISMISS**
)
)
)

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, and hereby respectfully move for permission to extend the time to respond or file an amended complaint in response to Lee County Sheriff Brian Estes’ motion to dismiss. In support of this motion, Plaintiffs show unto the Court the following:

1. Plaintiffs filed this action on May 23, 2023. ECF No. 1.
2. Plaintiffs served Sheriff Estes with the summons and complaint on August 17, 2023.
3. On August 31, 2023, Sheriff Estes moved to dismiss “all claims asserted against him.” ECF No. 9-10.
4. Plaintiffs require additional time to respond to Sheriff Estes’ motion and respectfully request a thirty-six (36) day extension to the current deadline, which would allow Plaintiffs up to and including October 27, 2023, to respond or amend in response.

5. Defendant Willie Rowe also recently filed a motion to dismiss. ECF No. 15. And Plaintiffs anticipate that Defendant Tyler Technologies, Inc. will file a motion to dismiss as well.

6. Plaintiffs seek this extension to align the response dates for each defendant and allow for an omnibus response, if permitted by the court and in the best interest of Plaintiffs.

7. This motion is being filed in good faith and not for the purpose of delaying this action.

8. This matter has not been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

9. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendant Estes regarding Defendant's position on this motion. Defendant Estes does not object.

10. Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs move the to extend the date to respond or amend in response to Defendant Estes motion to dismiss, to October 27, 2023, as set forth in the proposed order submitted with this motion.

This the 7th day of September, 2023.

Respectfully,



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Served on all parties: Via ECF